

POLICY

Each residential juvenile justice facility that operates its own school providing special education services must conduct appropriate comprehensive multidisciplinary evaluations. These evaluations must be used to identify special education disabilities and determine special education eligibility. The evaluations must be coordinated by the education case manager and conducted by an Individualized Education Program (IEP) team formed in accordance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and Michigan Department of Education Administrative Rules. The education case manager must notify the parent(s)/legal guardian of the evaluation, obtain their written consent for the student to be evaluated, provide them with appropriate documentation, and encourage them to participate in the evaluation process.

This policy assumes that an education case manager has been appointed, that the Review of Existing Evaluation Data (REED) has been completed, and that the review has determined that additional evaluation is necessary; see JR4 403.

PURPOSE

To ensure that each facility complies with IDEA and state administrative rules that require the involvement of the parent(s)/legal guardian through notice, consent and participation in conducting required multidisciplinary evaluations of each student who is suspected of having a disability.

DEFINITIONS

See JRG, JJ Residential Glossary.

**RESPONSIBLE
PARTY**

Facility director or designee, education case manager, school social worker, teachers, and team members conducting the multidisciplinary evaluation.

**PARENT/LEGAL
GUARDIAN
CONSENT**

Within 10 calendar days of receipt of a referral of a student suspected of having a disability, the education case manager must

notify the parent(s)/legal guardian of intentions to evaluate the student and request consent to evaluate using the DHS-4262-BJJ-EV, Special Education Consent to Evaluate.

The notice must include the reason(s) the evaluation is sought, the nature of the evaluation, and a description of the types of special education programs and services currently available in the school district/facility.

Consent is not required if parental rights have been terminated or the parent(s)/legal guardian cannot be located after the use of reasonable efforts. Reasonable efforts may be considered as at least three documented attempts over a 15 calendar day period to contact the parent(s)/legal guardian by telephone, certified mail, or personal visit.

In cases where parental rights have been terminated or no parent(s)/legal guardian can be located after documented reasonable efforts to make contact, see JR4 421, Appointment and Training of Surrogate Parents.

If the parent(s)/legal guardian refuse to consent for an initial evaluation, the youth must not be evaluated. Written parental permission to evaluate may not be used as approval authority for more than 45 school days from the date the approval is received.

The parent(s)/legal guardian may revoke their consent prior to and during the administration of the multidisciplinary evaluation. All contacts and activities to obtain parent/legal guardian consent must be documented using the case notes feature in the Juvenile Justice Information System.

INITIAL EVALUATION

Initial evaluations must be conducted within 45 school days from the date the consent to evaluate is received to determine if the student has a disability.

Note: Screening conducted to develop instructional strategies for curriculum implementation is not considered an evaluation.

RE-EVALUATION

Re-evaluation must be conducted when educational or related services, including improved academic achievement or student perfor-

mance, warrant a re-evaluation. Re-evaluation must also occur if requested by the parent(s)/legal guardian or teacher.

Re-evaluation may not occur more than once per year unless the facility director or designee and the parent(s)/legal guardian agree. Re-evaluation must occur at least every three years unless the facility director or designee and parent(s)/legal guardian agree that re-evaluation is not necessary.

MULTIDISCIPLIN- ARY EVALUATION TEAM

The evaluation must be conducted by an appropriately-staffed IEP team that must:

- Evaluate the student in the suspected disability area(s) for special education eligibility.
- Focus on the disabling condition(s) and the impact on the student's involvement in the general education curriculum.
- Use a variety of assessment tools and strategies to gather relevant information to complete the evaluation.
- Encourage and document parental input using the Multidisciplinary Evaluation Team (MET) Summary.
- Compile information for making determinations regarding:
 - Eligibility.
 - Impact of the disability on general education performance.
 - Progress in the general education curriculum.
 - Current performance, strengths and educational needs.
 - Instructional modifications.
 - Youth profile.
- Ensure the recommendations for primary determinations of eligibility are not due to:
 - A lack of appropriate instruction in reading and math.

- A limited English proficiency (native language of the student and/or primary language of the parents is not English).
- Develop the MET report that includes a summary of information and findings from clinical, medical and education reports as well as classroom observation and other academic assessments.

All reports used in the determination of a disability must be attached to the MET Summary. The completed report must specify the student's disability eligibility and recommendations must be based on the student's evaluations and accompanying data in accordance with Michigan Department of Education rules.

One team member must be designated to contact the parent(s)/legal guardian and discuss evaluation findings and respond to questions.

AUTHORITY

Individuals With Disabilities Education Improvement Act of 2004, 20 USC 1400 et seq.

Rules implementing the Individuals with Disabilities Education Improvement Act of 2004, 34 CFR 300.301-311.

Michigan Department of Education Administrative Rules for Special Education R340.1701b, 1705-1716, 1721.